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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

MERYL BORDERS-HUMPHREY,  
 Plaintiff,  
 v.  
 PRISON HEALTH SERVICES, INC., and  
 DOES 1 through 10,  
 Defendants.

Case No. C 07-02516 JSW

**SECOND JOINT CASE  
 MANAGEMENT STATEMENT**

DATE: January 4, 2008  
 TIME: 1:30 p.m.  
 PLACE: Courtroom 2, 17<sup>th</sup> Floor

**1. Case Management Conference**

At the initial Case Management Conference on October 19, 2007, the Court set a second case management conference for January 4, 2008, in order to provide the parties with time within which to complete mediation with the court-appointed ENE evaluator.

**2. Status of ENE/Mediation**

The parties participated in a mediation session with Anna-Mary Gannon on October 19, 2007. The case did not settle.

**3. Status of Union Arbitration**

Plaintiff's employment with defendant Prison Health Services, Inc. (PHS) was governed by a collective bargaining agreement. Plaintiff filed a union grievance challenging the termination of her employment. That grievance has now proceeded to arbitration. The arbitration commenced on December 4, 2008, and is scheduled to be completed on January 17, 2008. Because the resolution of

the arbitration could impact the scope and timing of the present proceeding, the parties request that the Court continue the Case Management Conference until the beginning of February.

**4. Discovery**

Discovery in this matter has been stayed pending completion of mediation. The parties have commenced (but not completed) Plaintiff's deposition. The parties have also exchanged initial disclosures and requests for production.

**5. Consent to Magistrate Judge For All Purposes**

Per the Court's request, the parties individually reconsidered whether to consent to proceed before a Magistrate Judge for all purposes. The parties decline to do so and filed the appropriate declination.

**6. Scheduling**

Should the Court proceed with the Case Management Conference on January 4, 2008, the parties propose the following dates/deadlines:

Designation of experts: August 2008

Discovery cutoff: August 2008

Hearing of dispositive motions: November 2008

Pretrial conference: December 2008

Trial: January 2009

**7. Trial**

The parties estimate that the trial will take 5-7 court days.

**8. Other Matters**

The parties are not aware of any other matters.

DATED: December 27, 2007

McDONOUGH HOLLAND & ALLEN PC  
Attorneys at Law

By: /s/ Laura J. Fowler  
LAURA J. FOWLER

Attorneys for Defendant Prison Health Services,  
Inc.

1 DATED: December 27, 2007

LAW OFFICES OF MICHAEL C. COHEN

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3 By: /s/ Michael C. Cohen  
4 MICHAEL C. COHEN

5 Attorneys for Plaintiff Meryl Borders-Humphrey  
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